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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

14 ROBERT ROMERO, an individual,
15
16 Plaintiff,
17
18 v.
19 GE BETZ, INC.; DOES 1 through 50,
20 inclusive,
21
22 Defendants.

Case No. 2:16-cv-01356-FMO-JCx

**DECLARATION OF JENNIFER
KOZAK IN SUPPORT OF
DEFENDANT GE BETZ, INC.'S
MOTION TO COMPEL
ARBITRATION**

Hearing Date: June 16, 2016
Time: 10:00 a.m.
Courtroom: 22 – 5th Floor
Judge: Hon. Fernando M. Olguin

Complaint Filed: January 25, 2016
Trial Date: April 11, 2017

Case No. 2:16-cv-01356-FMO-JCx

DECLARATION OF JENNIFER KOZAK IN SUPPORT OF DEFENDANT GE BETZ, INC.'S
MOTION TO COMPEL ARBITRATION

DECLARATION OF JENNIFER KOZAK

I, JENNIFER KOZAK, declare as follows:

1. I am an Executive Human Resources Business Partner for GE BETZ, INC. GE BETZ, INC. is a wholly owned subsidiary of the General Electric Co. (“GE”). GE acquired Betz in 2002.
2. I have been employed by GE since March 25, 2002. In my current position which I have held since January 2013, I support the GE Water business of GE Power. Employees in the Water business in the United States are employed by GE Betz, INC, including myself and the plaintiff in this matter, Robert Romero (hereafter, “Mr. Romero”). GE Power is a business unit of GE. GE Power was formerly referred to as GE Power & Water. GE Power & Water was part of the GE Energy Business Unit from 2008- 2013. The facts contained herein are true based on my own personal knowledge and, if called upon as a witness in this case, I could and would testify competently to the truth thereof.
3. For the past 17 years, GE has managed most United States employment disputes through Alternative Dispute Resolution (“ADR”) procedures. ADR within GE has consisted of formal and elevated internal reviews of a concern, continuing to non-binding mediation before a third party neutral mediator and, if a concern is still not resolved, binding arbitration before a third party neutral arbitrator. I have received extensive training on GE’s ADR procedures and am familiar with all iterations thereof. I also serve as a point of contact for employees who have questions regarding GE’s ADR procedures.
4. In 2009, GE began moving to a common ADR program across all GE businesses in the United States, called Solutions. Mr.

1 Romero, was covered by the Solutions ADR procedure at that
2 time, and continuously thereafter through the present. In 2010,
3 GE amended its Solutions ADR Procedure to incorporate several
4 legislative, judicial and agency developments regarding the
5 content of alternative dispute programs with mandatory
6 arbitration provisions. Prior to implementing the 2010
7 amendments, GE sent all impacted employees an email with a
8 link to a MyLearning training course where they could learn more
9 about ADR and the 2010 amendments. The MyLearning training
10 explained the amendments. Attached hereto as **Exhibit A** is a
11 true and correct copy of the notification sent to all employees.
12 Attached hereto as **Exhibit B** is a true and correct copy of the
13 2010 Solutions ADR Procedure.

14 5. On January 9, 2011, Mr. Romero completed the MyLearning
15 training regarding the 2010 Solutions Procedure Amendments.
16 Attached hereto as **Exhibit C** is a true and correct copy of a
17 Certificate of Completion certifying that Mr. Romero
18 successfully completed the 2010 Solutions Procedure
19 Amendments training. In completing the MyLearning training,
20 Mr. Romero acknowledged that he was covered by the Solutions
21 ADR Procedure.

22 6. In 2015, GE again modified the Solutions ADR Procedure to
23 incorporate further legal developments. On August 27, 2015, all
24 impacted GE Power employees, including Mr. Romero, received
25 an email notifying them of the 2015 amendments to the ADR
26 Procedure. The August 27, 2015 email contained a link to GE's
27 Document & Policy ("DPM") system, where each employee

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could view the notice and related materials, and acknowledge receipt. Attached hereto as **Exhibit D** is a true and correct copy of the ADR notification email dated August 27, 2015.

7. Following the August 27, 2015 email, employees received two follow-up reminders to use the DPM link to review the ADR material and acknowledge receipt of the 2015 amendments. On October 9, 2015, GE Power employees received another email regarding the 2015 amendments. The email states: "The modifications will go into effect on November 1, 2015, whether or not you have formally acknowledged." Attached hereto as **Exhibit E** is a true and correct copy of the ADR notification email dated October 9, 2015.

8. On November 1, 2015, the 2015 amendments to the ADR Procedure took effect. Attached hereto as **Exhibit F** is a true and correct copy of the 2015 ADR Procedure. Attached hereto as **Exhibit G** is a true and correct copy of the Summary of 2015 Changes to Solutions.

9. Despite not formally acknowledging the 2015 amendments, Mr. Romero remains a current employee at GE Betz, Inc.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10th day of May, 2016, at Trevoise, PA.


JENNIFER KOZAK